

Chapter 11

PARKS AND RECREATIONAL FACILITIES*

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***Editor's note**—An ordinance enacted June 13, 1995, repealed §§ 11-1—11-25. Formerly, said sections pertained to parks and recreational facilities and derived from §§ 1—14 of an ordinance effective July 1, 1973; §§ 1—14 of a resolution effective July 1, 1973; an ordinance enacted Feb. 11, 1986; and an ordinance enacted Feb. 11, 1992. Substantive provisions of the ordinance enacted June 13, 1995, have been included herein as §§ 11-1—11-27 at the editor's discretion. See history note following each section for specific derivation thereof.

Charter reference—Director and department of parks and recreation, § 6-10.

State law reference—Municipal authority to establish and maintain parks, playgrounds, recreation places, etc., G.S. 7-148(c)(6)(A)(i).

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- Sec. 11-33. Dedication, use, and management plans.
- Sec. 11-34. Open space lands rules and regulations.
- Sec. 11-35. Permits.
- Sec. 11-36. Stolen property; property damage; personal injury.
- Sec. 11-37. Minors.
- Sec. 11-38. Power to enforce chapter.
- Sec. 11-39. Chapter violations and penalties.

ARTICLE I. IN GENERAL**Sec. 11-1. Purpose of facilities.**

The town's parks and recreational facilities shall be maintained for the residents of Cheshire and guests in their company. Nonresidents may be permitted to use the facilities at the discretion of and upon terms and conditions established by regulations of the department. (Ord. Enact. 6-13-95, § A)

Sec. 11-2. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them herein, unless the context clearly requires another meaning:

Beach area means any area bordering a body of water within any park or recreational facility.

Bicycle is as defined in Connecticut General Statutes Section 14-286 and as that section may be amended from time to time by the legislature of the state.

Department means the department of parks and recreation.

Director means the director of the department of parks and recreation, or such other person as he may designate for purposes of this chapter.

Gambling is as defined in Connecticut General Statutes Section 53-278a and as that section may be amended from time to time by the legislature of the state.

Members of the department means the director and any employees of the department.

Minor means any person under the age of eighteen (18) years.

Motor vehicle is as defined in Connecticut General Statutes Section 14-1(47) and as may from time to time be amended by the legislature of the state.

Parks are those areas designated by the town as such, including any building or structure therein or thereon, and shall specifically include the linear park known as "The Canal Line State Trail" or "The Farmington Canal Line," or "The Farmington Canal Linear Park."

Permission means permission, secured in advance, of the director in accordance with Section 11-24.

Program means any class or activity offered by the department.

Recreational facility means any facility so designated by the town, including any building or structure therein or thereon.

Vehicle is as defined in Connecticut General Statutes Section 14-1(90) and as may from time to time be amended by the legislature of the state.

Watercraft means any boat, jet ski, and any device designed to go upon the water by mechanical means or sail.

(Ord. Enact. 6-13-95, § B)

Sec. 11-3. Minors.

(a) Parents responsible for supervision of minors. Parents or guardians of any minor are responsible for the supervision, safety, and well-being of the minor while in a park or recreational facility. Parents or guardians of any minor under nine (9) years of age who wish to enter a park or recreational facility shall require that the minor be accompanied by a responsible person of at least thirteen (13) years of age.

(b) No supervision will be provided by the department for minors except in programs sponsored by the department, and the department assumes no responsibility for the supervision of minors except in programs sponsored by the department.

(c) Any parent or guardian whose minor child enters a park or recreational facility without responsible supervision, including the parent or guardian of a minor nine (9) years of age or older, is responsible for the acts of the minor, to the extent permitted by law, and accepts the risk of personal injury to said minor.

(d) An unsupervised minor may be denied access to a park or recreational facility.

(Ord. Enact. 6-13-95, § C)

Sec. 11-4. Hours of operation.

(a) All parks and recreational facilities shall be open on days posted by the director, subject to the limitations stated in Section 11-8.

(b) No person shall under any circumstances without written permission enter, remain, or loiter in any park or recreational facility between closing and opening time as posted by the director pursuant to subsection (a).

(c) The director shall post signs in all the parks of the town, specifying the open and closed hours and giving warning of the penalties for such violation.

(Ord. Enact. 6-13-95, § D)

Sec. 11-5. Organizational use.

(a) *Eligibility.* Organizations or groups which have their primary place of business in or which meet exclusively or primarily in the town may arrange to schedule the use of parks and recreational facilities on a first come, first served basis. During the period from June 1 through Labor Day, groups numbering more than four hundred (400) persons may not schedule the use of the facilities at the Mixville Recreation Area.

(b) *Scheduling.* Arrangements for scheduling shall be made through the office of the director.

(Ord. Enact. 6-13-95, § E)

Sec. 11-6. Permits.

- (a) *When required.*
- (1) A permit is required for any person, group, or organization who seeks to use any park or recreational facility in a manner which is prohibited by, disallowed under, or at variance with the specific uses and activities permitted under this chapter, or where an exception is sought, or if scheduled for a specific group or use.
 - (2) Exception. The town and its departments shall not be required to obtain a permit but shall be required to obtain permission from the director under Section 11-24.
- (b) *How obtained.* Any person, group, or organization wishing to procure a permit shall make and file an application with the director at the office of the department on a form supplied by the department.
- (c) *Approval for.* The director may approve or deny a permit upon such conditions as are reasonably necessary to protect public property and safety, provided no such application may be denied arbitrarily or without cause.
- (d) *Use subject to other laws.* Any permit granted by the director is granted subject to any other statutes, ordinances, and regulations which are applicable to the use sought, activity to be undertaken, and park or recreational facility to be used.
- (e) *Payment of fees.* All fees imposed by the town for use of parks or recreational facilities shall be paid in full prior to the date of use.
- (f) *Permit required to be retained.* Any permit obtained under this section shall be retained by the person or group for which the permit was granted and shall be shown to any members of the department or town police upon request.
- (g) *Failure to have possession of permit.* Failure to have possession of and to show said permit upon such request to members of the department or town police shall entitle town police to exclude any person(s) or group from any parks and recreation facilities under Section 11-4 of this chapter and may subject the person or group to civil remedies or criminal penalties as are available under the law.
- (Ord. Enact. 6-13-95, § F)

Sec. 11-7. Fees.

Fees charged for the use of parks or recreational facilities shall be paid directly to the department with the town named as payee. Checks may be accepted at the discretion of the director. A returned check charge may be imposed for all checks which are returned from the payor's bank unpaid.

(Ord. Enact. 6-13-95, § G)

Sec. 11-8. Exclusion from parks and recreation facilities.

(a) The director, town police, and fire marshal shall have the right to exclude, when necessary, any and all persons from entering a park or recreation facility or a portion of any park or recreation facility to insure that the area will not become overcrowded, or to insure the safety of persons both inside and outside the park or recreation facility.

(b) The director, town police, and fire marshal shall also have the right cause to have removed and/or exclude from any park or recreation facility or a portion of any park or recreation facility any person or persons or group whose conduct is detrimental to the safety of others or has violated this chapter, state or federal regulations, or regulations of the department, or to prevent damage to the park or recreation facility.

(Ord. Enact. 6-13-95, § H)

Sec. 11-9. No liability for stolen property, property damage, personal injury.

As a condition for use of parks or recreational facilities, persons or groups using any park or recreational facility assume all responsibility for lost or stolen property, personal injuries, or property damage, and by entry to the park or recreational facility agree that the use of the park or recreational facility is at their own risk.

(Ord. Enact. 6-13-95, § I)

Sec. 11-10. Use in accordance with law.

Any person or group using parks or recreational facilities shall do so in accordance with all applicable state statutes and regulations, and town ordinances and regulations, and posted rules.

(Ord. Enact. 6-13-95, § J)

Sec. 11-11. Vehicles; motor vehicles; parking.

(a) All vehicles, except motor vehicles, are prohibited in parks and recreational facilities.

(b) Motor vehicles are permitted in parks and recreational facilities only on permitted roadways or parking areas.

(c) Parking. Motor vehicles shall park in designated areas where marked and in an orderly fashion on unmarked parking areas.

(d) Exceptions. The following vehicles and motor vehicles are permitted:

- (1) Authorized emergency vehicles, including but not limited to fire department, police and ambulance, and other emergency vehicles.
- (2) Town vehicles.
- (3) Vehicles engaged in department-approved maintenance.
- (4) Vehicles engaged in activities related to the enforcement of this chapter.

(5) Other vehicles authorized by the director in his discretion.
(Ord. Enact. 6-13-95, § K)

Sec. 11-12. Entry; exit.

Entry and exit to parks or recreational facilities shall be by established entranceways or exits.

(Ord. Enact. 6-13-95, § L)

Sec. 11-13. Speed limit.

The speed limit within all parks and recreational facilities is ten (10) m.p.h. for all permitted motor vehicles and bicycles.

(Ord. Enact. 6-13-95, § M)

State law reference—Municipal authority to regulate traffic and regulate the speed of vehicles, G.S. 7-148(c)(7)(B).

Sec. 11-14. Dogs.

Dogs must be on a leash and restricted at all times. Owners shall clean up and dispose of animal waste.

(Ord. Enact. 6-13-95, § N)

State law reference—Municipal authority to regulate and prohibit the going at large of dogs and other animals in the streets and public places of the municipality, G.S. 7-148(c)(7)(D).

Sec. 11-15. Flying model aircraft.

The use of any flying model aircraft shall be allowed only with permission of the director.

(Ord. Enact. 6-13-95, § O)

Sec. 11-16. Swimming.

Swimming is allowed only in designated areas where posted and only while there is a lifeguard on duty. All other swimming is prohibited.

(Ord. Enact. 6-13-95, § P)

Sec. 11-17. Bicycles.

(a) Bicycle riding is permitted only on paths, roadways, and parking areas.

(b) Any bicycle being operated in a park or recreational facility shall be equipped and operated in accordance with all applicable state statutes and general town ordinances regulating the use of bicycles, including but not limited to the requirements pertaining to working brakes and helmets.

(c) Bicycles with helper motors are specifically prohibited.

(d) Bicycle riders shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

(Ord. Enact. 6-13-95, § Q)

Sec. 11-18. Skateboarding; roller skating; rollerblading.

Skateboarding, roller skating, and rollerblading are permitted only where posted. All other skateboarding, roller skating, and rollerblading is prohibited.

(Ord. Enact. 6-13-95, § R)

Sec. 11-19. Ice skating.

Ice skating is permitted only at places and under conditions posted. All other ice skating is prohibited.

(Ord. Enact. 6-13-95, § S)

Sec. 11-20. Prohibited uses and activities.

The following uses and activities shall be and are hereby prohibited in parks and recreational facilities:

- (1) *Injury to property.* No person shall injure, deface, displace, remove, destroy or tamper with any gates, fences, seats, shelters or structures of any nature whatsoever, or any equipment or building or part thereof, or any sign, notice or inscription, or any growing thing, owned, operated or under control of the town.
- (2) *Rubbish/debris.* No rubbish or debris shall be brought into a park or recreational facility for disposal. Any rubbish or debris which results from the usual and normal use of a park or recreational facility may be disposed of only in receptacles provided in the park or recreational facility for such purpose. Disposal, throwing, leaving, dropping, or discharging any rubbish or debris in any other place upon the premises of a park or recreational facility is prohibited.
- (3) *Spitting.* No person shall expectorate upon the premises of any park or recreational facility, or within or upon any structure, building, or part thereof.
- (4) *Advertising.* No person shall distribute or display any flag, banner, sign or any other matter for advertising purposes, nor attempt to attract attention for advertising purposes by the use of any musical instrument or any sound device.
- (5) *Soliciting.* No person shall solicit for any purpose whatsoever.
- (6) *Golf.* The playing or practicing of golf, or the driving or hitting of golf balls is prohibited.
- (7) *Camping.* No person shall tent, camp, or erect or maintain a tent shelter.
- (8) *Weapons, devices capable of harming wildlife or destroying property.* No person, except a police officer, shall bring in or have in his possession in any park or park area any weapon, and no person shall bring in or have in his possession in any park or

recreation area any airgun, bow and arrow (except as permitted by the director under Section 11-24), slingshot, or any other device capable of maiming or destroying wildlife or destroying or defacing property or any deadly weapon, dangerous instrument, or

electronic defense weapon, as those terms are defined in Connecticut General Statutes Section 53a-3, as amended, even if said person has a valid permit to carry a weapon.

- (9) *Fireworks.* No person shall bring in or have in his possession in any park or recreational facility any fireworks of any nature whatsoever.
 - (10) *Sales; admission fees.* The sale of any wares, merchandise, foods and beverages, services of any type or nature or charging of any admission fee is prohibited.
 - (11) *Fires.* No person shall kindle, build or maintain a fire, except at approved locations.
 - (12) *Horses, livestock.* Horses, draft animals, or any other farm animal or livestock are prohibited except where posted.
 - (13) *Excavation.* No person shall dig or remove any dirt or stone except in areas designated by the director, make any excavation in violation of town zoning ordinances; quarry any stone, or set off any explosion, or cause or assist in doing any of these things.
 - (14) *Gambling.* Gambling is prohibited.
 - (15) *Metal detectors.* The use of metal detectors is prohibited.
 - (16) *Injury to vegetation.* No person shall pick any flowers, foliage, or fruit, or cut, break, dig up, or in any manner mutilate or injure any tree, shrub, plant, grass, structure or any other object.
 - (17) *Glass containers.* Glass containers are strictly forbidden in all parks.
- (Ord. Enact. 6-13-95, § T)

Sec. 11-21. Playing ball; tents and screens.

No ball playing is permitted on beach areas, nor shall any tents or makeshift screens be erected on beach areas.

(Ord. Enact. 6-13-95, § U)

Sec. 11-22. Alcoholic beverages/drugs.

(a) No person shall be present in any park or recreational facility under the influence of alcohol or any other drug or combination thereof to the extent that the person's ability to use the facilities is impaired to a substantial degree, or to the extent that the person's condition impairs the health, safety, or enjoyment of the park or recreational facility by any other person or group.

(b) No alcoholic beverages of any kind may be possessed or consumed by any person within a park or recreational facility except that the director may issue a permit for the consumption of beer in cans or kegs or wine in paper containers only. This permit shall be issued in accordance with the requirements of Section 11-6, shall be in writing and shall describe specific areas for such consumption. As a condition of such permit, the director shall require the person or group to take full written responsibility for the consumption of the beer, and to hold the department, members of the department, and the town harmless from any claims, damages, suits, and liability for such consumption. No permission shall be granted by the

director unless the person or group files, prior to the consumption of the alcohol, a certificate of insurance, naming the town as an additional insured and insuring against any loss occasioned by the consumption of or serving of alcohol.

(Ord. Enact. 6-13-95, § V)

Sec. 11-23. Watercraft.

No watercraft will be allowed in park ponds or waterways, or on beach areas.

(Ord. Enact. 6-13-95, § W)

Sec. 11-24. Director's ability to grant permission.

The director may, in his discretion and for good cause shown, approve exceptions to the following sections of this chapter by granting permission for such an exception under such conditions as he deems appropriate for the protection of public property and safety: Sections 11-4(b), 11-14, 11-15, 11-18, 11-20(4), (5), (6), (7), (10), (12), (13), (15), (16), (17), and 11-23. Any such exception shall be granted under such conditions as are articulated by the director.

(Ord. Enact. 6-13-95, § X)

Sec. 11-25. Power to enforce chapter.

The town police department shall have the power and authority to enforce all sections contained in this chapter.

(Ord. Enact. 6-13-95, § Y)

Sec. 11-26. Chapter violations and penalties.

Violations of any provision of this chapter shall constitute an infraction. Any person who violates any provision of this chapter shall be fined in accordance with the guidelines established in the current state infractions schedule. Where more than one (1) fine is listed within the state infractions schedule for violation of a town ordinance, the higher fine shall be utilized.

(Ord. Enact. 6-13-95, § Z)

Sec. 11-27. Farmington Canal Linear Park regulations.

This section applies to all path users, including but not limited to: Bicyclists, joggers, walkers, wheelchairs, and skaters. It is in addition to all applicable state laws, town ordinances, and parks and recreation department ordinances.

- (1) Every person using the path shall travel as near to the right side of the path as is safe, except when turning or while overtaking and passing another user proceeding in the same direction.
- (2) Every user shall exercise due care and caution to avoid colliding with any other path user of any mode. Every user shall travel in a consistent and predictable manner not more than two (2) abreast.

- (3) No group of path users, including their animal(s), shall span more than half the path, measured from the right side, so as to impede the normal and reasonable movement of other path users.
 - (4) Any person operating any permitted vehicle or device, including but not limited to a bicycle, within a park or recreational facility shall give an audible warning signal before passing another person, pedestrian, bicyclist, or user of any mode. An audible warning signal may be produced by voice, bell, whistle, or horn and must be clearly audible. The audible signal must be first produced five (5) seconds before executing the passing maneuver. The passer is responsible for safely passing other users.
 - (5) Any path user overtaking another user proceeding in the same direction shall pass to the left of such overtaken user at a safe distance and shall not again move to the right until safely clear of the overtaken user.
 - (6) Users entering or crossing the path at uncontrolled points shall yield to traffic on the path.
 - (7) The park shall be open to all members of the public.
- (Ord. Enact. 6-13-95)

Secs. 11-28, 11-29. Reserved.

ARTICLE II. OPEN SPACE LANDS

Sec. 11-30. Purpose.

(a) The town's open space lands shall be maintained to generally achieve the objectives for lands designated for passive recreation as described in the Town of Cheshire Plan of Conservation and Development and, specifically, this chapter.

(b) Residents and/or nonresidents may be permitted to use the particular parcels only upon terms and conditions established by this article and the regulations set forth in a management plan adopted by the town council for each parcel.

(Ord. of 2-8-05)

Sec. 11-31. Definitions; rules of construction.

For the purposes of this article, the following words, terms, and phrases shall have the meaning respectively ascribed to them herein, unless the context clearly requires another meaning. Rules of construction, as contained in chapter 1, section 1-2 of this Code shall apply.

Agricultural activities, if permitted, means activities as defined in a management plan for a particular parcel.

Bicycle is as defined in Connecticut General Statutes Section 14-286 as that section may be amended.

Management plan means a plan which outlines the permitted and/or prohibited use or uses, if any, for each parcel of open space land which plan has been approved as regulations by the town council pursuant to section 6-15(B) of the Cheshire Charter.

Minor means any person under the age of eighteen (18) years.

Motor vehicle is as defined in Connecticut General Statutes Section 14-1(47) and as may from time to time be amended by the legislature of the state, and shall additionally include, but is not limited to, all-terrain-vehicles (ATVs), snowmobiles, and the like.

Open space lands means any piece or parcel of land, including any building or structure located therein or thereon, as may be so designated by the town council and for which a management plan is adopted. Only such property shall be subject to the terms of this article. The council, in its discretion, may re-designate any parcel for other municipal purposes.

Passive recreation means recreational trail usage (non-motorized), recreational activities which do not require a formalized delineated playing field or area, picnicking, fishing, non-motorized boating, bicycling, horseback riding and hitching, and permitted environmental education programs.

Permitted means permission, secured in advance, of the steward in accordance with this article and a management plan.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, limited liability companies, and bodies corporate as well as to individuals.

Program means any class or activity offered by the town, or authorized to be offered by others by the town, pursuant to the terms and conditions of a management plan.

Steward means the individual, as defined herein, responsible for the administration and management of open space lands under the jurisdiction of the director of parks and recreation, pursuant to section 6-10 of the Cheshire Charter.

Town means the Town of Cheshire.

Vehicle is as defined in Connecticut General Statutes Section 14-1(90) as may be amended. (Ord. of 2-8-05)

Sec. 11-32. Administration.

(a) There shall be an open space lands steward who shall be appointed by the director of parks and recreation with the prior approval of the town manager.

(b) The steward shall be qualified by education and/or experience in the administration and management of open space land as described herein.

(c) The steward shall be under the direction and control of and directly responsible to the director of parks and recreation in the performance of his duties. (Ord. of 2-8-05)

Sec. 11-33. Dedication, use, and management plans.

(a) The dedication, use, and management of particular open space lands shall be determined by designation of the town council and adoption by the town council of a management plan for the parcel.

(b) A management plan for each parcel shall be proposed by the director of parks and recreation and reviewed by the town attorney, as to form and legal sufficiency, approved by the town manager, and adopted by the town council, pursuant to section 6-15(B) of the Charter. Management plans may cover more than one parcel if contiguous or otherwise logically integral. All proposed changes to a management plan shall follow the same procedure as for the adoption of the plan.

(c) A copy of each management plan shall be kept on file in the office of the steward, the director of parks and recreations, and the town clerk.

(d) Each management plan shall include at least the following: General description of the property and map; management goals; permitted uses; prohibited uses, if any; and the terms and conditions for each use; and any special considerations.

(e) Before the director of parks and recreation proposes a management plan, or an amendment to a management plan, he shall first submit such plan, or any amendment thereto, to the environment commission and the parks and recreation commission for their review and written comments. Said commission shall have forty-five (45) days within which to submit their comments. A copy of such comments, if any, shall be included with any plan submitted to the town attorney, the town manager, and the town council.

(Ord. of 2-8-05)

Sec. 11-34. Open space lands rules and regulations.

(a) No person or group of persons shall use any open space land or structure located thereon for any purposes inconsistent with this article or any management plan. All use of open space lands shall be in compliance with any conservation easements or other deed restrictions, as may apply. Restrictions or conditions in such documents shall supersede the terms of this article, which are contrary to said restrictions or conditions, and such restrictions or conditions shall be specifically incorporated in any management plan.

(b) Passive recreation, as defined herein, is permissible on all open space lands unless specifically prohibited in a management plan or if a particular parcel is "closed" by the steward.

(c) No person shall use, occupy or otherwise remain in a building, structure or facility parking area beyond hours of use established in a management plan or by special permit of the steward.

(d) No person shall be allowed to enter, loiter or remain in or on any town open space land at any time one hour after sunset to one hour before sunrise, unless a permit to do so has been issued by the steward.

(e) Entry and exit to open space lands shall be by established entranceways or exits as set forth in the management plan and noted on its map.

(f) The town reserves the right to close all or any part of its open space lands to the public for the purpose of protecting the environmental quality of the area, to perform activities necessary to carry out necessary maintenance, or during periods of flooding, fire hazard, dangerous weather conditions, or other such conditions deemed hazardous or dangerous to persons or property. The steward, with the approval of the director of parks and recreations and/or the town manager, may declare and post all closed areas for such reasons.

(g) No person shall remove, cut, break, injure, deface, mark, write upon, or disturb any tree, shrub, plant, rock, monument, fence, bench, table, gate, fence, stonewall, structure, apparatus, equipment, or property of any nature, or remove any flora or natural geological or paleontological features, or carry any flowers, shrubs or branches into, out of, or through any open space land. In addition, no person shall remove, add or introduce any vegetation, wood, soil, rock, sand or gravel from or onto any open space land without a permit from the steward.

(h) The use of metal detectors is prohibited.

(i) No person shall kindle, build, or maintain a fire for any purpose within any open space land unless permits have been obtained from the steward and the fire marshal.

(j) No person shall smoke in open space land except in designated areas.

(k) No person shall dump, deposit or leave any bottles, broken glass, paper, boxes, cans, rubbish, waste or garbage or other trash of any kind in any open space land. Waste or trash from incidental day use must be deposited in receptacles located on open space lands, as provided. If receptacles are not available, persons must, upon departing, carry out all such items for subsequent disposal in appropriate waste receptacles.

(l) No person shall camp or erect or maintain a tent shelter, unless permitted in a management plan.

(m) No person shall deposit waste water, sewage or effluent from sinks, portable toilets, holding tanks or other plumbing fixtures directly upon or into the surface of the ground or water within open space lands.

(n) No person shall swim, bathe, change, or alter the water quality of any pond, lake, river, stream or waterway. No person or persons shall introduce to waters in open space land substances that would alter the natural water quality.

(o) No motorized watercraft are allowed on any water, pond, or stream located on any open space land unless use of such watercraft is necessary to save life, perform maintenance, or for permitted research.

(p) No person shall hunt, molest, harm, frighten, kill, trap, poison, chase, tease, shoot or throw rocks or missiles at any fauna in any open space land; however, law enforcement officials or agencies directed or permitted by the steward may trap, hunt, or kill fauna when deemed necessary to protect the public health, safety, and/or the management of such fauna.

(q) No person except duly qualified federal, state, or local law enforcement officials shall take into any open space land any firearm, air gun or gas weapon, sling shot, crossbow, bow and arrows or other articles of like character capable of maiming or destroying wildlife or destroying or defacing property, or any deadly weapon, dangerous instrument, or electronic defense weapon, as those terms are defined in Connecticut General Statutes Section 53a-3, as amended, even if said person has a valid permit to carry such a weapon.

(r) No person shall take fish within the boundaries of any restricted area as may be designated and posted by the town. Fishing in other areas shall be in accordance with the rules and regulations established by a management plan provided, however, such person shall be required to display a valid state fishing license. No person shall utilize a spear or arrow for fishing.

(s) No person or persons shall release, introduce or abandon any animal of any type into any open space land without a permit from the steward.

(t) Free roaming dogs are prohibited on all open space lands. Dogs must be on a leash and restricted at all times. Owners shall clean up and dispose of animal waste.

(u) No person shall operate a motor vehicle on, over or across any trail or open space land, except within designated parking areas. This prohibition shall not apply to emergency or maintenance vehicles operated by an employee or contractor of the Town of Cheshire or the State of Connecticut or other person authorized by the steward. The speed limit within all parking areas shall be ten (10) miles per hour, or as otherwise posted, for all permitted motor vehicles and bicycles.

(v) No person shall solicit or distribute any signs, handbills, or circulars, or post, place or erect on any open space lands any bills or notices advertising any program or event without a permit from the steward.

(w) No person shall sell, expose for sale, or offer to sell any product of any kind on open space lands without a permit from the steward.

(x) No person shall engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person.

(y) No person shall ice skate, ice boat, or ice fish, unless permitted in the management plan for that particular open space land.

(z) No person shall use or possess fireworks of any kind.

(aa) No person shall drive, chip or in any manner play or practice golf or hit golf balls.

(bb) No person shall operate gas-powered model airplanes, boats, automobiles or other modelcraft of any kind or description.

(cc) No person shall throw, release or discharge model missiles, rockets or similar projectiles.

(dd) No person shall hang glide, parasail, or parachute.
(Ord. of 2-8-05)

Sec. 11-35. Permits.

(a) A permit is required for any person who seeks to use any open space land in a manner for which either this article or a land management plan specifically requires a permit.

(b) Duly authorized town officers or employees shall not be required to obtain a permit for governmental actions but shall be required to obtain permission from the steward, unless such conduct involves emergency or maintenance activities.

(c) Any person wishing to procure a permit shall file an application with the steward at the office of the steward on a form supplied by the town.

(d) The steward may approve or deny a permit upon such conditions as are reasonably necessary to protect public property and safety, and to protect the town from claims for personal injury or property damage, provided no such application may be denied arbitrarily or without reasonable cause.

(e) Any permit granted by the steward is granted subject to any other statutes, ordinances, regulations, and the management plan which are applicable to the use sought, activity to be undertaken, and open space land to be used.

(f) Any permit obtained under this section shall be retained by the person to which the permit was granted and shall be shown to any members of the town police department or the steward upon request.

(g) Failure to have possession of and to show said permit upon such request to members of the town police or the steward shall entitle town police or the steward to exclude any person(s) or group from any open space land and may subject the person to civil remedies or criminal penalties as are available under this chapter or other law.
(Ord. of 2-8-05)

Sec. 11-36. Stolen property; property damage; personal injury.

(a) As a condition for use of open space lands, persons or groups using any open space land assume all responsibility for lost or stolen property, personal injuries, or property damage, and by entry to the open space land agree that the use of the open space land is at their own risk.

(b) The town may seek full recompense, as well as any applicable civil, administrative and/or criminal penalties, for damage or vandalism to open space lands, structures or equipment. In the event that the damage or vandalism is caused by a minor, the minor's parent or legal guardian having custody or control of the minor shall be responsible for all damages and penalties.
(Ord. of 2-8-05)

Sec. 11-37. Minors.

(a) Parents or guardians of any minor are responsible for the supervision, safety, and well-being of the minor while on any open space land.

(b) No supervision shall be provided by the town for minors except during programs specifically sponsored by the town, and the town assumes no responsibility for the supervision of minors except in such programs sponsored by the town, and only as may be set forth in the terms of the program.

(c) Any parent or guardian whose minor child enters any open space land without responsible supervision, is responsible for the acts of the minor, to the extent permitted by law, and accepts the risk of personal injury to said minor.

(d) An unsupervised minor may be denied access to or expelled from any open space land.
(Ord. of 2-8-05)

Sec. 11-38. Power to enforce chapter.

The town police department shall have the power and authority to issue infractions for all violations of this chapter or any management plan.
(Ord. of 2-8-05)

Sec. 11-39. Chapter violations and penalties.

Violations of any provision of this chapter or any management plan shall constitute an infraction. Any person who violates any provision of this chapter shall be fined in accordance with the guidelines established in the current state infractions schedule. Where more than one (1) fine is listed within the state infractions schedule for violation of a town ordinance, the higher fine shall be utilized.

(Ord. of 2-8-05)